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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 MATHEW TATE,

12 Petitioner,

13 v.

14 RON VAN BOENING,

15 Respondent.  
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Case No. C08-5524FDB-KLS

ORDER TO SHOW CAUSE

19 This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28  
20 U.S.C. § 636(b)(1) and Local Rule MJR 3 and 4. This matter comes before the Court on petitioner's  
21 filing of an application to proceed *in forma pauperis* and a petition for writ of *habeas corpus* under 28  
22 U.S.C. § 2254. To file a petition and initiate legal proceedings, petitioner must pay a filing fee of \$5.00  
23 or file a proper application to proceed *in forma pauperis*.

24 Local Rule CR 3(b) provides in relevant part:

25 At the time application is made under 28 U.S.C. § 1915 or other applicable acts  
26 of Congress, for leave to commence any civil action or to file any petition or motion  
27 without being required to prepay fees and costs or give security for them, each  
28 petitioner, movant or plaintiff shall:

(1) Complete the in forma pauperis affidavit approved for use in this district;  
and

(2) File a written consent that the recovery, if any, in the action, to such amount  
as the court may direct, shall be paid to the clerk who may pay therefrom all unpaid fees

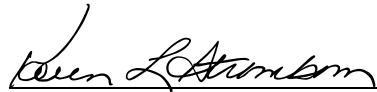
1 and costs taxed against the plaintiff, and to his attorney the amount which the court  
2 allows or approves as compensation for the attorney's services.

3 Plaintiff, however, has not filed the required written consent form.

4 Accordingly, this court orders the following:

- 5 (1) Plaintiff shall seek to cure these deficiencies by filing **no later than November 7, 2008**, a  
6 completed and signed copy of the written consent required by Local Rule CR3(b)(2).  
7 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**  
8 **prosecute this matter and the court will recommend dismissal of this matter.**
- 9 (2) The Clerk is directed to send a copy of this Order to plaintiff, along with a copy of the  
10 written consent form required by Local Rule CR3(b)(2).

11 DATED this 8th day of October, 2008.

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14 Karen L. Strombom  
15 United States Magistrate Judge  
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